

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS, AND SOIL SCIENTISTS
MADISON WI
MINUTES
THURSDAY, MARCH 14, 2002
9:00 A.M.**

PRESENT: Joan Underwood, Stephen Donohue, Herb Garn, Roger Hall, Robert Karnauskas (by phone), Tracy Benzel, , Jerry Tyler, Robert Wendt and David Mickelson joined the meeting at 10:45 a.m.

EXCUSED: Fred Birts, Thomas Evans, Wayne Lindgren

STAFF PRESENT: Katharine Hildebrand, Mary Forseth, Grace Schwingel, Bill Black

CALL TO ORDER

Joan Underwood called the meeting to order at 9:30 a.m. A quorum of 8 members was present.

AGENDA

The following items were added to the agenda: following the "Approval of Minutes" the Board will conduct an "Election of Officers". Under "Administrative Rules", add "Soil Science Section's opposition to DATCAP Rule", and a "Letter to Representative Ott and Senator Baumgarten-CL Rule 01-090." and a letter from the Soil Science Section to the Committee. Under Miscellaneous Correspondence add, "National Ground Water Association letter".

MOTION: Stephen Donohue moved, seconded by Jerry Tyler, to approve the agenda as amended. Motion carried unanimously.

MINUTES (10/23/01 & 12/19/01)

In addition to the above minutes, the minutes from the 2/11/02 and 2/14/02 GHSS Joint Board teleconference meetings were given to board members to review.

MOTION: Tracy Benzel moved, seconded by Stephen Donohue, to approve the GHSS minutes of 10/23/01, 12/19/01, 2/11/02 and 2/14/02. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Robert Wendt moved, seconded by Jerry Tyler, to elect the following officers for the GHSS Joint Board: Joan Underwood as Chair; Stephen Donohue as Vice Chair, and Tracy Benzel as Secretary. Motion carried unanimously.

ADMINISTRATIVE REPORT

Introduction of New Bureau Director, Mary Forseth

Katharine Hildebrand introduced Mary Forseth as the new Bureau Director. Forseth introduced herself and gave a brief review of her professional background.

- **Board Roster**

No changes

- **2002 Meeting Dates**

The Board approved the meeting dates for 2002.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Release of Disciplinary Orders**

Jack Temby, DOE, reviewed the procedures and criteria the Department uses to screen cases and to respond to a complaint that an individual is practicing beyond the boundaries of incidental practice.

- **Regulatory Digest**

Hildebrand is working on articles for the Regulatory Digest dealing with electronic signatures, the Inter-Agency Liaison Committee, and is working with Judy Mender to include information on the number of licensees in the state for each of the sections. Hildebrand will also write a paragraph on the impact AB 358 will have on the Board. Legal Counsel, Bill Black, will write an article on the requirements for sole proprietorship and certificates of authorization. Jerry Tyler will write an article on preparing for the exam process. Herb Garn will write on AIH activities for the Hydrology Section of the Regulatory Digest. Bob Karnauskas will write an article with information that clarifies the issue of the definition of geologist, hydrologist and soil scientist as it pertains to the passage of AB 358, indicating that people practicing these professions need to be licensed. The regulatory digest will then be distributed to the DNR, Commerce and DATCAP to be included in its publications.

Forseth requested the Chairs of each Section to send her a list of all the acronyms with the full names for the state and national professional associations that have some relationship to the boards and when these organizations have their conferences or workshops and to indicate whether or not the Board sends a representative to attend these meetings.

Soil Science Section's opposition to DATCAP Rule

Tracy Benzel gave an overview of the Soil Science Section's opposition to ATCP 50.48, currently referred to as Clearinghouse Rule CR 01-090, and the request of the Soil Science Section for a hearing to provide testimony to support the inclusion of soil scientists as presumptively qualified under this rule. It was indicated that a lot of other professional groups are also opposing this rule.

- **Letter to Representative Ott and Senator Baumgarten - CL Rule 01-090**

Benzel reviewed with the Board, a draft of a letter he will be sending to Representative Ott and Senator Baumgart on behalf of the Soil Science Section regarding CR 01-090.

SECTION REPORT/NEWS

- **Geologists, Joan Underwood**

Joan Underwood gave a brief report on Section activity.

- **Hydrologists, Stephen Donohue**

Stephen Donohue reported that there has not been much activity since the Board's last meeting in October. There was a brief discussion on some of the regulatory issues being worked out with the Inter-Agency Liaison Committee.

- **Soil Scientists, Tracy Benzel**

Tracy Benzel welcomed the Section's newest professional member, Robert Wendt. The Soil Science Section is drafting a letter in opposition to an administrative rule from DATCAP, CR 10-090, dealing with nutrient management planners, which omitted professionally licensed soil scientists as presumptively qualified due to the Section's lack of continuing education requirements for licensure.

LEGISLATIVE UPDATE

AB 358

Stephen Donohue noted that some of the issues involved in AB 358 came up at his recent confirmation hearing. Legislators were not aware of some of the efforts the Board has made to work with the public on different perceptions that exist regarding some of the issues the Board is dealing with that have an impact on other professional groups or organizations. The Board will keep committee members in the legislature informed of actions the Board is taking to seek input from other agencies and to keep the public and other professional groups aware of issues that involve the practice of geology, hydrology or soil science. All licensed professionals in these fields receive the Department's Regulatory Digest, but it is recognized that there are many people who do work that overlaps with these professions who are not required to be licensed, and therefore, do not receive pertinent information that is included in the regulatory digest.

The Governor's signing of AB 358 is pending. It was suggested that the Board Chair send the Governor's Office language that would be appropriate to be included in his signing message for AB 358. This would be part of a letter from the Board to the Governor.

MOTION: Stephen Donohue moved, seconded by Herb Garn, to authorize Stephen Donohue write an outreach letter expressing the Board's willingness to

meet with other potentially affected professions to discuss the administration of the Board's rules. Benzel and Black will review the draft of the letter. Jerry Tyler opposed. Motion carried.

MOTION: Stephen Donohue moved, seconded by Tracy Benzel, that Donohue and Forseth work together to provide a complete list to send the outreach letter to such as the Wetland Scientist Association, Southeastern Wisconsin Regional Planning Commission (SWRPC), key individuals that were involved in sponsoring AB 358 and major state associations such as AIH, AIPG and a soil scientist association with the state. Motion carried unanimously.

ADMINISTRATIVE RULES

Update on Proposed Rules Relating to Continuing Education Requirements

The Board discussed the Soil Science Section's request to have a scope statement drafted to require continuing education for licensure as a Soil Scientist. Legal Counsel, Bill Black, reviewed the process involved in adding the requirement for continuing education to a Section's rules.

MOTION: Jerry Tyler moved, seconded by Tracy Benzel, to have Bill Black draft and file a scope statement to allow the Soil Science Section to have continuing education credit regulations prepared and published. Motion carried unanimously.

MOTION: Jerry Tyler moved, seconded by Robert Wendt, to authorize the Rules Committee, in cooperation with the Soil Science Section, to draft the language for the Soil Science Section's request for continuing education. Motion carried unanimously.

MOTION: Jerry Tyler moved, seconded by Tracy Benzel, to appoint Robert Wendt to represent the Soil Science Section as a member of the rules committee. Motion carried unanimously.

Benzel requested an outline of the steps the Section needs to take to add continuing education requirements to the Section's rules.

INTER-AGENCY LIAISON COMMITTEE

Report from 10/23/01 Meeting, Joan Underwood, Chair

Bob Karnauskas reviewed the 12/12/01 Inter-Agency Committee meeting. The Board agreed the Inter-Agency Legislative Liaison Committee needs to continue to meet. New members are needed from DATCAP and the Department of Commerce. Benzel will get names of licensed soil scientists from DATCAP within the next two weeks. Lori Huntoon will recommend a replacement for her from the Department of Commerce. Mary Forseth will then contact these agencies requesting representatives from those agencies to attend this committee meeting. It was suggested that another Inter-Agency Liaison Committee meeting be scheduled in May 2002.

- **Minutes (10/23/01)**

MOTION: Tracy Benzel moved, seconded by Stephen Donohue, to approve the minutes of the 10/23/01 GHSS Inter-Agency Liaison Committee meeting. Motion carried unanimously.

- **Discussion of Committee's Tasks**

There was a brief discussion of tasks the committee needs to accomplish.

MOTION: Tracy Benzel moved, seconded by Jerry Tyler, to authorize Bob Karnauskas to work with Mary Forseth and Bill Black to prepare a letter dealing with corporate registration and the fact that GHSS rules supercede some of the NR codes and send it. Karnauskas will sign the letter, representing the committee, with no further Board approval needed. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Forseth reviewed the 2/27/02 letter addressed to Katharine Hildebrand from National Ground Water Associates and reviewed the questionnaire that came with the letter.

MOTION: Tracy Benzel moved, seconded by Stephen Donohue, to authorize Underwood to respond to the National Ground Water Association (NGWA) indicating that the Section does not support the creation of another exam-based program that would be duplicating the hydrologist portion of the existing exam. Instead, Underwood will suggest that the NGWA support the existing programs of the AIH. Motion carried unanimously.

NEW BUSINESS

This is Jerry Tyler's last Joint Board meeting. Tyler stated he has worked with several agencies and has found the Department of Regulation & Licensing to be the best one he has worked with.

ADJOURNMENT

MOTION: Jerry Tyler moved, seconded by Tracy Benzel, to adjourn the meeting at 12:05 p.m. Motion carried unanimously.

Next GHSS Joint Board Meeting: Thursday, September 19, 2002

DRAFT

March 14, 2002

Kathy Butcher, CMP
National Ground Water Association
601 Dempsey Rd.
Westerville, OH 43081-8978

Ms. Butcher:

The Examining Board of Professional Geologists, Hydrologist and Soil Scientists does not support the development of another certification or examination process. The Joint Board holds this opinion for the following reasons:

- 1) Several organizations already have examinations.
- 2) The need for certificates such as this is being driven by states on a state level. Those states with licensure are unlikely to accept the NGWA certification.
- 3) Another certification program on top of those required by states and those already existing, covering similar topics, dilutes the resources of the profession.

Instead of the proposed program, we would suggest that you consider joining one of the existing organizations (AIH) to strengthen and support their examination process. As you may be aware, Wisconsin Department of Regulation & Licensing developed the exam that AIH uses as a hydrology examination. It is unlikely that the Wisconsin Joint Board would accept your testing or certification in place of existing requirements.

We appreciate the opportunity to provide this response to your letter. Should you have any questions, please feel free to contact me at (608) 266-3423.

With respect,

Mary Forseth

DATE: March 26, 2002
TO: Mary Forseth
FROM: Grace Schwingel
SUBJECT: Examining Board of Professional Geologists, Hydrologists, and Soil Scientists
Board Meeting of March 14, 2002, To-Do List

1. **Hildebrand** will provide articles on electronic signatures, the Inter-Agency Liaison Committee, the number of licensees for each Section and the impact of AB 358 on the Board.
2. **Bill Black**, Legal Counsel, will write an article on the requirements for sole proprietorship and certificates of authorization.
3. **Jerry Tyler** will write an article on preparing for the exam process.
4. **Herb Garn** will write an article on AIH activities for the Hydrology Section of the Regulatory Digest.
5. **Bob Karnauskas** will write an article with information that clarifies the issue of the definition of geologist, hydrologist and soil scientist as it pertains to the passage of AB 358, indicating that people practicing these professions are required to be licensed.
6. The Chairs of each Section, **Underwood, Donohue and Benzel**, will provide Mary Forseth with 1) a list of all the acronyms for the state and national professional associations and what they stand for, 2) when these organizations have their conferences or workshops and 3) whether the Board sends representatives to these meetings.
7. **Tracy Benzel** will send a letter to Representative Ott and Senator Baumgart on behalf of the Soil Science Section regarding CR 01-090.
8. **Thomas Evans** was appointed to attend the spring exam workshop in April in Indianapolis.
9. The **Chair of the Joint Board** may decide to send the Governor's Office a "signing message" that includes language that would be appropriate to be addressed with AB 358.
10. **Stephen Donohue** will write an outreach letters expressing the Board's willingness to meet with other potentially affected professions to discuss the administration of the Board's rules and will send copies to committee members in the legislature.

11. **Donohue and Forseth** will work together to provide a complete list of individuals, professional groups and agencies, to receive the outreach letter.
12. **Bill Black** will draft a scope statement to allow the Soil Science Section to have continuing education credit regulations prepared and published.
13. **The Rules Committee** will draft language for the Soil Science Section's request for continuing education.
14. **Bill Black** will prepare an outline of the steps the Soil Science Section will need to take to add continuing education requirements to the Soil Science Section's rules.
15. **Tracy Benzel** will get names of licensed soil scientists from DATCAP within the next two weeks.
16. **Lori Huntoon** will recommend a replacement for her from the Department of Commerce.
17. **Mary Forseth** will contact DATCAP, DNR and Department of Commerce requesting representative from these agencies to attend the Inter-Agency Liaison Committee meeting to be scheduled for May 2002. The regulatory digest will then be distributed to the DNR, Commerce and DATCAP to be included in its publications.
18. **Bob Karnauskas** will work with **Mary Forseth and Bill Black** to prepare a letter dealing with corporate registration and the fact that GHSS rules supercede some of the NR codes and send it. Karnauskas will sign the letter, representing the committee, with no further Board approval.
19. **Joan Underwood** will send a letter to the National Ground Water Association (NGWA) indicating that the Section does not support the creation of another exam-based program that would be duplicating the hydrologist portion of the existing exam.

20. This is Jerry Tyler's last Joint Board meeting. We should get a plaque from the Governor's Office and have some kind of send off for him at the June Section meeting. Might have been nice to do it at the Joint Board meeting. Don't include this item in to-do list that is distributed.

March 14, 2002

Kathy Butcher, CMP
National Ground Water Association
601 Dempsey Rd.
Westerville, OH 43081-8978

Ms. Butcher:

The Section doesn't support the formation of another organization. Instead, we would suggest that

they should join one of the existing organizations and give their input that way. To make another

group is redundant. The Jt. Bd. Wouldn't deal with them. They have a certification., gives you a

ground water professional, ... membership used to be 15,000 – a way to generate fees. Late in the

game,. They could connect with AIH who could use the support of a group like this. They want our regulatory support of their exam.

With respect,

Joan Underwood